REMARKS

Claims 1-6, 8-10, 13-15, and 23-24 have been canceled. Claims 7, 11-12, and 16-22 remain pending in the application. Applicant amends claim 7 for clarification. No new matter has been added.

Claim 7 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

In particular, the Examiner objected to the last feature recited in claim 7 as being unclear on "how a return message can be sent as a sub-logical link port." Applicant amends claim 7 to clearly recite "wherein the controller returns a message for establishing, through the established sub-logical link, a return sub-logical link based on the received message," and respectfully requests that the Examiner withdraw the § 112, ¶ 2 rejection.

Claims 7, 11-12, and 16-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,953,338 to Ma et al. in view of U.S. Patent No. 6,732,186 to Hebert; and claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ma et al., Hebert, and further in view of U.S. Patent No. 5,896,402 to Kurobe et al. Applicant respectfully traverses the rejections.

The Examiner asserted on Page 3, lines 1-17 of the Office Action that Ma et al. disclose, in Fig. 3 thereof, various physical interfaces (310, 312, 314, and 316) to transfer....to meet a specified condition of the traffic.

The Examiner also asserted on Page 3, line 18 to page 4, line 2 of the Office Action that Ma et al. fail to disclose aggregating a plurality of physical links over an Ethernet network or a controller returning a message establishing a sub-logical link port; that Hebert discloses the above-mentioned features; that in Fig. 8, Hebert discloses fast Ethernet links 810A-810D combined into a logical link (Trunk) (see Fig. 8 and column 9, lines 45-60); that since the links 810A-810D are fast Ethernet links, the aggregation takes place over an

Ethernet network; and that furthermore the NIC 880 in Fig. 8 has four ports which can be used as logical ports.

Applicant respectfully submits that <u>Ma et al.</u> merely describe establishing a logical link within a physical link in ATM to be utilized for a specific communication and <u>Hebert</u> only describes a Link Aggregation itself in Ethernet which prepares a logical link (Trunk) from a plurality of physical links to be used for communication.

Namely, both <u>Ma et al.</u> and <u>Hebert</u> only deal with a case where <u>logical links are identical or correspond with sub-logical links</u>, clearly different from the present invention according to claim 7 where within a logical link formed of a plurality of physical logical links a plurality of sub-logical links are formed, as claimed in claim 7 "a sub-logical link into which specified ones of the physical links in the logical link are aggregated so as to meet a specified condition of the traffic".

Furthermore, <u>Hebert</u> does not establish a logical link between end systems (host PC's) but in a specified portion (between host switches), apparently different from the present invention according to claim 7 where a sub-logical link directed to a specified communication (specified condition of the traffic) is established between end systems.

In other words, even assuming, <u>arguendo</u>, that it would have been obvious to one skilled in the art to combine <u>Ma et al.</u> and <u>Hebert</u> at the time the claimed invention was made, such a combination would still have failed to disclose or suggest,

> "[a] band control device comprising:
> a controller for aggregating a plurality of physical links
> over an Ethernet network into a single logical link, and
> a distributor for distributing a traffic to <u>a sub-logical
> link into which specified ones of the physical links in the
> logical link are aggregated so as to meet a specified condition
> of the traffic,</u>
> wherein the controller transmits/receives a message for
> establishing the sub-logical link to/from an opposite controller,
> wherein the controller returns a message for
> establishing, through the established sub-logical link, a return

sub-logical link based on the received message," as recited in claim 7. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 7 is patentable over <u>Ma et al.</u> and <u>Hebert</u>, separately and in combination, for at least the foregoing reasons. Claims 11-12, 16-18, and 21 incorporate features that correspond to those of claim 7 cited above, and are, therefore, together with claims 19-20 dependent therefrom, respectively, patentable over the cited references for at least the same reasons. The Examiner relied upon <u>Kurobe et al.</u> as a combining reference to specifically address the additional features recited in claim 22, which depends from claim 21. As such, the addition of this reference would still have failed to cure the above-described deficiencies of <u>Ma et al.</u> and <u>Hebert</u>, even assuming, <u>arguendo</u>, that such an addition would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicant respectfully submits that claim 22 is patentable over the cited references for at least the foregoing reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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